

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DAVID E. GORSKI,

Defendant.

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) Case No.: 12-10338-FDS
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JOINT STATUS MEMORANDUM

The defendant in the captioned matter and the United States, by and through the undersigned counsel and Assistant United States Attorney, respectfully file this joint memorandum pursuant to Local Rule 116.5(a) and report as follows:

1. Automatic discovery is complete. In response to a request from the defendant, the government has produced existing materials within its possession, custody, and control, with respect to published or distributed guidelines regarding the SDVOSB and VOSB programs, eligibility for participation, or certification requirements and procedures, as well as any alerts with program participants regarding changes in regulations or certification requirements or procedures from GSA, the SBA, the Department of Veterans Affairs, the Department of Defense, the Army, Navy, and Airforce. The government has also produced work evaluations and progress reports related to Legion's performance in in connection with the contracts identified in the indictment; the government has offered to make the files related to other contracts entered into by Legion under the SDVOSB Program available to the defense for inspection and copying. By means of emails and a letter, the government has requested production of billing records regarding Legion Construction and Mintz Levin. On October 16, 2013, the defense requested time to review the billing records with counsel for Legion to determine whether the records contained any privileged information. The request is still pending.
2. The government anticipates producing additional materials, mainly *Jencks*, on an ongoing basis in preparation for trial as witnesses are identified and/or those materials are created.
3. At this time, the parties are resolving discovery questions and requests on an informal basis. The government may file a motion for production of billing records regarding Legion Construction and Mintz Levin depending on the defendant's response to its request to produce same.
4. A protective order governing the handling of the materials produced to the Defendant in

this matter has not presently issued. The government may, however, seek a protective order concerning the disclosure and/or dissemination of any additional discovery materials, including any potential *Giglio* information.

5. The Court presently has the government's motion to disqualify defense counsel under advisement.
6. The parties have not yet determined whether expert testimony will be required in this case.
7. The defendant does not presently intend to assert a defense of insanity, public authority, or alibi.
8. The Court has ordered the time between the date of arraignment (November 29, 2012) and the date of the next Status Conference (November 26, 2013) excluded under 18 U.S.C. § 3161. See Docket Entries 12, 18, 23, 27, 31, 36, 62, and 65.
9. This case will be a trial. The parties estimate that the trial will take fifteen (15) days.
10. The timing of the next status conference is largely dependent on the Court's decision on the government's motion to disqualify.

Respectfully submitted,

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Dated: November 19, 2013

CERTIFICATE OF SERVICE

I, William F. Bloomer, Assistant United States Attorney, do hereby certify that this document, was filed on the above date through the ECF system which sends copies electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on this date.

/s/ William F. Bloomer
WILLIAM F. BLOOMER